United Nations S/AC.44/2004/(02)/65/Add.1

Security Council

Distr.: General
30 March 2006

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 28 March 2006 from the Permanent Mission of Saudi Arabia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Saudi Arabia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and, with reference to the latter's note verbale dated 1 March 2006, has the honour to forward herewith the original Arabic text of the "Implementation System" that is currently used by the Government of the Kingdom of Saudi Arabia to enforce the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, in accordance with Royal Decree No. M/57,* dated 28 November 2005, which prohibits all activities related to chemical weapons and harshly punishes any violation of the obligations specified in the Convention, for inclusion in the official website of the 1540 Committee as a public document.

* The text of laws and regulations is on file with the Secretariat and is available for consultation.

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Annex to the note verbale dated 28 March 2006 from the Permanent Mission of Saudi Arabia to the United Nations addressed to the Chairman of the Committee

[Original: Arabic]

Implementation System for the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction

CHAPTER I

Definitions

Article 1

The following terms and expressions, wherever they may occur in the present System, shall have the meanings respectively indicated below, unless the context indicates otherwise:

1. The **Convention**: the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;

2. The **Organization**: the Organization for the Prohibition of Chemical Weapons;

3. The **System**: the Implementation System for the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;

4. The **Regulation**: the regulation for the implementation of this System;

5. The **Kingdom**: the Kingdom of Saudi Arabia;

6. The **Ministry**: the Ministry of Commerce and Industry;

7. The **National Commission**: the National Commission for Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;

8. **Chemical weapons** means the following, together or separately:

   (a) Toxic chemicals and their precursors, except where intended for purposes not prohibited under the Convention, so long as the types and quantities are consistent with such purposes;

   (b) Munitions and devices specifically designed to cause death or other harm through the toxic properties of the toxic chemicals specified in subparagraph (a) which would be released as a result of the employment of such munitions and devices;

   (c) Any equipment specifically designed for use in connection with the employment of munitions and devices specified in subparagraph (b);

9. **Purposes not prohibited under the Convention**:

(a) Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;

(b) Protective purposes directly related to protection against toxic chemicals and chemical weapons;

(c) Military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare;

(d) Law enforcement purposes, including domestic riot control;

10. **Riot control agent**: any chemical not listed in the schedules that can rapidly produce in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure;

11. **Toxic chemical**: any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere;

12. **Precursor**: any chemical reactant which takes part at any stage in the production, by whatever method, of a toxic chemical. This includes any key component of a binary or multicomponent chemical system;

13. **Scheduled chemicals**: toxic chemicals and their precursors which are subject to verification measures and are classified, in accordance with the Annex on Chemicals to the Convention, as schedule 1, 2 or 3 chemicals;

14. **Discrete organic chemical**: any chemical belonging to the class of chemical compounds consisting of all compounds of carbon except its oxides and sulphides and metal carbonates, identifiable by chemical name, by structural formula, if known, and by Chemical Abstracts Service registry number, if assigned;

15. **Verification Annex**: the Annex on Implementation and Verification appended to the Convention;

16. **Production of a chemical**: its formation through chemical reaction;

17. **Preparation of a chemical**: a physical process, such as formulation, extraction or purification, in which a chemical is not converted into another chemical;

18. **Consumption of a chemical**: its conversion into another chemical via a chemical reaction;

19. **Transfer**: transfer of a chemical from one place to another, including export or import;

20. **Person**: any natural or artificial person;

21. **Inspector**: an individual designated by the organization in accordance with the procedures set forth in part II, section A, of the Verification Annex to carry out an inspection or visit in accordance with the Convention;

22. **Escort**: anyone instructed by the Chairman of the National Commission, in coordination with the relevant authorities, to accompany and assist the inspector;

CHAPTER II

Prohibitions

Article 2

It is prohibited for any person to perform any of the following acts:

(a) To develop or produce chemical weapons;

(b) To use chemical weapons;

(c) To acquire, stockpile or retain chemical weapons;

(d) To transfer chemical weapons directly or indirectly to any person;

(e) To engage in any military preparations to use chemical weapons;

(f) To use riot control agents as methods of warfare.

Article 3

It is prohibited for any person to perform any of the following acts:

(a) To produce, acquire, retain or use chemicals listed in Schedule 1 outside the territory of the States Parties to the Convention or to transfer such chemicals to a State not a party to the Convention;

(b) To produce, acquire, retain, use or transfer chemicals listed in Schedule 1 for purposes other than those set forth in part VI, paragraph 2, of the Verification Annex;

(c) To retransfer to another State chemicals listed in Schedule 1 that have previously been transferred to the Kingdom.

Article 4

It is prohibited for any person to perform any of the following acts:

(a) To transfer any of the chemicals listed in Schedule 2 to any person in a State not a party to the Convention or receive such chemicals;

(b) To transfer any of the chemicals listed in Schedule 3 to any person in a State not a party to the Convention, except as provided in part VIII, section C, of the Verification Annex.

CHAPTER III

Permits for chemical activities for purposes not prohibited

Article 5

No person may produce, use, develop, acquire, stockpile, retain or transfer any of the chemicals listed in Schedule 1, for purposes not prohibited, prior to obtaining a permit from the Ministry in accordance with the provisions of part VI of the Verification Annex.

Article 6

No person may transfer chemicals listed in Schedule 1 prior to obtaining permission from the Ministry, following approval by the Ministry of the Interior.

Article 7

No person may produce, prepare or consume chemicals listed in Schedules 2 or 3, for purposes not prohibited, prior to obtaining a permit issued by the Ministry and by the General Investment Authority with regard to permits for the investment of the foreign funds (under the Foreign Investment Regulation), provided that the permit must in all cases be issued in accordance with the provisions of parts VII and VIII of the Verification Annex.

Article 8

No person may import or export the chemicals listed in either of Schedules 2 or 3 until he has obtained authorization therefor from the Ministry. The regulation shall define the steps for obtaining such authorization.

CHAPTER IV

Declarations and documents

Article 9

Any person who engages in activities relating to scheduled chemicals to which any of the provisions of parts VI, VII or VIII of the Verification Annex apply; produces during a year more than a total of 200 tons of one or more discrete organic chemicals not listed in the Schedules; produces more than 30 tons of any unscheduled discrete organic chemical containing the elements phosphorus, sulphur or fluorine to which any of the provisions of part IX of the Verification Annex apply, must:

1. Inform the Ministry of activities connected with scheduled chemicals and facilities for the production discrete organic chemicals, using the form prepared for that purpose;

2. Keep records pertaining to activities connected with scheduled chemicals and facilities for the production of discrete organic chemicals, as defined by the regulation;

3. Prepare yearly reports, based on the said records, of activities connected with scheduled chemicals and facilities for the production discrete organic chemicals, using the form prepared for that purpose;

4. Send such yearly reports to the Ministry at the times specified in the regulation, to be forwarded by the Ministry to the National Commission.

Article 10

Any person requested by the Ministry to provide information relating to declarations which are required on the part of the Kingdom or which assist in the implementation of the Convention or the application of this System must furnish that information to the Ministry.

CHAPTER V

Inspection

Article 11

All facilities for the production of scheduled chemicals and facilities for the production of discrete organic chemicals shall be subject to inspection in accordance with the requirements of the Verification Annex.

Article 12

Any person responsible for any facility subject to inspection must do the following:

(a) Facilitate the inspection operations carried out by the inspector in accordance with the provisions of the Convention;

(b) Enable the escort to assist the inspector during inspection missions.

Article 13

Inspectors and their assistants shall enjoy the privileges and immunities set out in part II, section B, of the Verification Annex.

Article 14

The National Commission shall issue cards identifying any inspector and any person instructed to escort an inspector.

Article 15

The Chairman of the National Commission, in coordination with the relevant authorities, may instruct overseers to enter and inspect facilities connected with scheduled chemicals or discrete organic chemicals with a view to ascertaining compliance with the provisions of the Convention.

CHAPTER VI

Handling of confidential information

Article 16

No person may directly or indirectly divulge any confidential information pertaining to another person under this System or the Convention. Such information may be revealed if the person to which it pertains agrees or such revelation enables the Kingdom to perform its obligations under the Convention; it may also be revealed for the purpose of implementation of this System or for dealing with an emergency related to public safety.

CHAPTER VII

Penalties

Article 17

Any violation of any provision of article 2 of this System shall be punishable by a fine of not less than 500,000 and not more than 1,000,000 riyals or by a term of imprisonment of not less than 5 and not more than 20 years, or both, and the chemical weapons shall be confiscated.

Article 18

Any violation of any provision of articles 3, 5 or 6 of this System shall be punishable by a fine of not less than 100,000 and not more than 500,000 riyals or by a term of imprisonment of not less than 3 and not more than 10 years, or both.

Article 19

Any violation of any provision of article 4 (a) of this System shall be punishable by a fine of not more than 300,000 riyals or by a term of imprisonment of not more than 2 years, or both.

Article 20

Any violation of any provision of article 4 (b) or article 16 of this System shall be punishable by a fine of not more than 200,000 riyals or by a term of imprisonment of not more than 1 year, or both.

Article 21

Any violation of any provision of articles 7, 8, 9, 10 or 12 of this System shall be punishable by a fine of not more than 100,000 riyals.

Article 22

If a violator again commits any violation of the provisions of this System within five years from the date on which the judgement becomes final, he shall be subject to a penalty not greater than double the maximum penalty determined for the violation.

Article 23

The penalties provided for in this System shall apply to anyone who in any way aids or abets anyone in carrying out activities prohibited under the Convention.

Article 24

The imposing of the penalties provided for herein shall not prejudice the imposition of any severer penalties provided for in other regulations. Nor shall it prejudice the right of the aggrieved party to compensation arising from the commission of any of the acts prohibited under articles 2, 3 or 4 of the present System.

Article 25

The penalties provided for herein shall apply to any Saudi resident outside the Kingdom of Saudi Arabia in a State Party if the violation in question has not been punished in the country in which he is resident, provided that the person concerned has not previously been tried for the same violation.

CHAPTER VIII

General provisions

Article 26

The Investigation Board and the Office of the Public Prosecutor shall be competent to investigate and to bring charges in connection with the violations referred to in this System.

Article 27

The Office of the Ombudsman shall be competent to decide in respect of all violations and actions for damages arising from the application of the provisions hereof.

Article 28

The present System supersedes the special measures for the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction issued in Royal Decree No. M/34 of 25 Jumada II A.H. 1424.

Article 29

The National Commission shall prepare the draft regulation, which shall be issued by a decision of the Minister for Foreign Affairs.

Article 30

The present System shall be published in the Official Gazette and shall enter into force 90 days from the date of its publication.